

- 2 -

Serial No.: 09/763,251
Group Art Unit No.: 1648

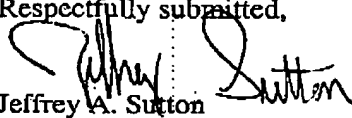
REMARKS

Applicants wish to make a provisional election of Group I, i.e., claims 19-39 with traverse. Applicants are also requested to elect a antigen (i.e., subgroups A-1)) if Group I has been elected. Applicants wish to make a further provisional election of subgroup A, i.e., Hepatitis A with traverse. Applicants retain the right to file divisional applications directed to the non-elected subject matter should the restriction requirement become final.

Applicants' traversal is based upon the absence of a showing that the inventions are independent and distinct. Under 37 CFR §§1.141-1.142 and 35 U.S.C. § 121, restriction is proper only when "independent and distinct" inventions are claimed in a single patent application. "Independent" means that the subject matter of the claims bear no disclosed relationship. MPEP 802.01. "Distinct" means that the subject matter of the claims are capable of separate manufacture, use or sale and are patently distinct MPEP 802.01.

It is respectfully submitted that the claims of Groups IB, IC, ID and Group II are related and are not "independent" as defined under MPEP 802.02 and therefore it is respectfully requested that the restriction requirement be withdrawn. It is noted, however, that although Applicants have traversed the restriction requirement on the ground that the claimed inventions as grouped by the Examiner are not independent, Applicants are not traversing the restriction requirement on the ground that the inventions are not patentably distinct.

Respectfully submitted,


Jeffrey A. Sutton
Attorney for Applicants
Registration No. 34,028

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-6316
Facsimile (610) 270-5090
N:\jas\pto\b45150\Restriction Requirement.doc

Best Available Copy